

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

STATE OF WASHINGTON,

Respondent,

v.

ADAM J. BETTS,

Appellant.

No. 39405-7-II

UNPUBLISHED OPINION

Armstrong, J.—Adam Betts appeals his Lewis County conviction of theft of a motor vehicle. He argues that the information was constitutionally deficient because it did not contain all of the elements of the crime. We affirm.

**FACTS**

Someone stole a white Acura Integra from outside the owner’s home in Centralia, Washington. Acting on a tip from a witness, police found the car parked in Betts’s driveway. By second amended information, the State charged him with theft of a motor vehicle and false swearing. After the trial court denied his motion to suppress evidence of the vehicle identification number of the car, Betts waived his right to a jury trial and went to trial on stipulated facts.

**ANALYSIS**

Betts challenges the sufficiency of the information on the basis of the failure to allege intent. The document stated only that “the defendant on or about January 7, 2009 . . . did commit theft of a motor vehicle; against the peace and dignity of the State of Washington.” Clerk’s Papers at 31. Intent to deprive another person of his property is an essential element of the crime of theft. *State v. Kenney*, 23 Wn. App. 220, 224-25, 595 P.2d 52 (1979).

Because Betts did not challenge the information until after his conviction, we construe the document liberally, inferring the necessary allegations if the language supports such a result. *State v. Kjorsvik*, 117 Wn.2d 93, 102-03, 812 P.2d 86 (1991); *State v. Hopper*, 118 Wn.2d 151, 156, 822 P.2d 755 (1992). The term “theft” is commonly understood to include taking property of another with the intent to deprive. Thus, we may infer the “intent to deprive” element from an information, like this one, that simply alleges theft. *State v. Tresenriter*, 101 Wn. App. 486, 494, 4 P.3d 145 (2000).

Affirmed.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

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Armstrong, J.

We concur:

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Penoyar, C.J.

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Worswick, J.